

REMARKS

This communication is submitted in response to the Office Action of November 6, 2003. Claims 1-29 are pending in the subject patent application with claims 1, 5 and 14 being amended herewith. Claims 30-51 were previously canceled. Claims 16-29 stand allowed by the Examiner.

The amendments to claims 1, 5 and 14 are clearly supported by the specification as originally filed and do not introduce any new matter.

Reconsideration of the subject application is respectfully requested in view of the foregoing amendments and the following remarks.

Dependent claims 5 and 14 were objected to by the Examiner as being dependent upon a rejected base claim but were indicated as being allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Claims 5 and 14 have each been amended to be rewritten in independent form to include all of the limitations of the base claims and should now be allowable.

The rejection of claims 1, 3, 4, 6-13 and 15 as being anticipated by Vargas and the rejection of claim 2 as being unpatentable over Vargas are respectfully traversed for the following reasons.

Independent claim 1 recites "a window frame circumscribing an opening ...; a patch removably secured over said window frame to cover said opening in its entirety; and a body of unifying material disposed over said patch with said patch disposed between said opening and said body of unifying material, said body of unifying material being bonded to said patch to form a cohesive mass therewith, said cohesive mass

being removable from said window frame.” Vargas does not disclose a stabilized window structure having the features recited in claim 1. The Examiner considers Vargas as disclosing a patch 10 and a body of unifying material 16 forming a cohesive mass with the patch 10. In actuality, Vargas explicitly discloses the component 10 as being a multi-layer composite comprising a top layer 12, a bottom layer 14 and the layer of adhesive 16 between the top and bottom layers 12 and 14. Accordingly, the composite 10 disclosed by Vargas cannot constitute a patch and also a body of unifying material as defined in independent claim 1. Assuming the layer of adhesive 16 of the composite 10 as corresponding to the body of unifying material recited in claim 1, the bottom layer 14 of the composite 10 must be considered as corresponding to the recited patch since the bottom layer 14 is disposed between the window opening and the layer of adhesive 16 as required for the recited patch. The top layer 12 of the composite 10 cannot be viewed as corresponding to the recited patch since it is not disposed between the window opening and the layer of adhesive 16. Assuming the bottom layer 14 as corresponding to the recited patch, the layer of adhesive 16 is not bonded to the bottom layer 14 to form a cohesive mass therewith. On the contrary, an essential feature of Vargas is that the bottom layer 14 be peeled away from the adhesive 16 in order to expose the adhesive 16 for application to an automobile window frame. In particular, Vargas explicitly discloses that the layer of adhesive 16 is not bonded to the bottom layer 14 by virtue of a non-stick coating between the bottom layer 14 and the layer of adhesive 16 (column 4, lines 43-45). The non-stick coating is an essential feature of Vargas since it is only by removal of the bottom layer 14 from the adhesive 16 that the adhesive 16 is exposed for application of the top layer 12 to the window frame. Accordingly, it is submitted that independent claim 1 is clearly patentable over Vargas and should be allowed along with dependent claims 2-4, 6-13

and 15.

Dependent claim 2 recites the patch as comprising a plurality of patch members "in overlapping arrangement with one another". Vargas discloses the bottom layer 14 divided into sections by virtue of precut lines or perforations 18, 19, 20 and 21 that penetrate through the bottom layer 14. The separate sections are formed by cutting the bottom layer 14 after the multi-layer composite 10 has been formed, making it impossible to obtain the sections in overlapping arrangement. The feature of patch members in overlapping arrangement as recited in claim 2 can only be considered obvious over Vargas with the use of impermissible hindsight made possible with the teachings of the present invention. It is submitted that dependent claim 2 is clearly patentable over Vargas for the additional features recited therein as well as being allowable with claim 1.


In dependent claim 6, the patch is recited as having "an adhesive backing for adhesively securing said patch to said window frame". The adhesive backing is a separate recitation from the body of unifying material and Vargas fails to teach or suggest the bottom layer 14 as having an adhesive backing separate from the layer of adhesive 16. In addition, the layer of adhesive 16 cannot be considered a backing for the bottom layer 14 in that the bottom layer 14 is actually a backing or liner for the layer of adhesive 16. Accordingly, dependent claim 6 is submitted to be clearly patentable over Vargas for the additional limitations recited therein as well as being allowable with independent claim 1.

Claim 9 requires "a release element disposed between said window frame and said cohesive mass to facilitate removal of said cohesive mass from said window frame". The Examiner's reliance on column 4, line 47 of Vargas for the disclosure of a release element as recited in claim 9 is in error. In actuality, Vargas explicitly discloses

that "the layer to be peeled off or torn away thus exposing the adhesive has a non-stick coating on the side facing the adhesive" (column 4, lines 43-45). The layer to be peeled off or torn away is the bottom layer 14 and, when the bottom layer 14 is torn away to expose the layer of adhesive 16 for securement on the window frame, there is no release element disposed between the window frame and the layer of adhesive. Accordingly, claim 9 is submitted to be clearly patentable over Vargas for the additional feature recited therein as well as being allowable with independent claim 1.

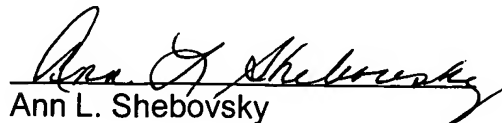
In light of the foregoing, all of the claims in the subject application are submitted to be in condition for allowance. Action in conformance therewith is courteously solicited. Should any issues in the subject application remain unresolved, the Examiner is encouraged to contact the undersigned attorney.

Respectfully submitted,


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I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on February 6, 2004.


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